

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 2, 2008

**TO: Persons on the Attached Mailing List**

**RE: Docket No. 2008-0785-MWD**

**Julie Ann Thames**

**Request(s) filed on Permit No. WQ0014753001**

The above-referenced application and all timely filed hearing requests/requests for reconsideration on the above-referenced application will be considered by the commissioners of the Texas Commission on Environmental Quality (TCEQ) during the public meeting on **October 8, 2008**. The meeting will begin at 9:30 a.m. in Room 201S of Building E, at the commission's offices located at 12100 Park 35 Circle in Austin, Texas.

In accordance with commission rules, copies of the timely hearing requests/requests for reconsideration have been forwarded to the applicant, the Executive Director of the TCEQ, and the Public Interest Counsel of the TCEQ. Each of these persons is entitled to file a formal written response to the hearing requests/requests for reconsideration on or before 5:00 p.m. on **September 15, 2008**. Persons who have filed timely hearing requests/requests for reconsideration may file a formal written reply to these responses on or before 5:00 p.m. on **September 29, 2008**.

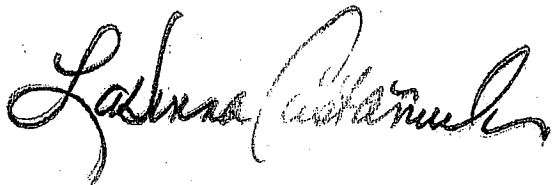
An original and 11 copies of any response or reply must be filed with the Chief Clerk of the TCEQ. The address of the Chief Clerk is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087 [Fax number (512) 239-3311]. On the same day any response is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Director of the Office of Public Assistance, the Applicant and the requesters at their addresses listed on the attached mailing list. On the same day any reply is transmitted to the Chief Clerk, a copy must also be sent to the Executive Director, the Public Interest Counsel, the Director of the Office of Public Assistance, and other requesters and the applicant at their addresses listed on the attached mailing list.

The procedures for evaluating hearing requests/requests for reconsideration are located in 30 Texas Administrative Code (TAC) Chapter 55, Subchapter F (§§55.200-211) of the commission's rules. The procedures for the filing of responses and replies are located in 30 TAC Chapters 1 (§§1.10-11) and 55 (§55.209) of the commission's rules. Copies of these rules may be obtained by calling the Office of Public Assistance toll free at 1-800-687-4040.

The commissioners will not take oral argument or additional comment on this matter at the public meeting. Therefore, it is important to address the sufficiency of the requests in timely filed written responses and requesters' replies. At the public meeting, the commissioners may ask questions of the applicant, requesters, or TCEQ staff. The commissioners will make a decision on the request(s) during the meeting and will base that decision on the timely written requests, public comments, any written responses and replies, any responses to questions during the meeting, and applicable statutes and rules. Copies of all timely public comments and requests have been forwarded to the Office of Alternative Dispute Resolution to determine if informal, voluntary mediation might help resolve any dispute.

The attachment to this letter is intended to help you better understand how the TCEQ processes and evaluates hearing requests and requests for reconsideration. To obtain additional information, or to ask questions about anything in this letter, please call the TCEQ's Office of Public Assistance toll-free at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela". The signature is fluid and cursive, with the first name "LaDonna" being more prominent than the last name "Castañuela".

LaDonna Castañuela  
Chief Clerk

Enclosures: Copies of protestant correspondence to Applicant, Executive Director, Office of Public Interest Counsel, Office of Public Assistance and Alternative Dispute Resolution.

## **ATTACHMENT**

### **Procedures Concerning Requests for Reconsideration and Requests for Contested Case Hearing**

The purpose of this document is to describe commission procedures for evaluating requests for reconsideration and requests for contested case hearing. This document is not intended to be a comprehensive guide to public participation at the TCEQ.

The three commissioners determine the validity of requests for reconsideration and requests for contested case hearing and vote to grant or deny the requests during a public meeting. These public meetings are usually held every other Wednesday in Austin. Prior to the meeting, the following occurs:

- 1) the written requests are distributed to the executive director, the public interest counsel, and the applicant. These persons may file a response at least 23 days before the meeting;
- 2) the requester may then file a reply to the responses at least 9 days before the meeting. This is the requester's opportunity to address any deficiencies in the request that have been identified by TCEQ staff or the applicant. The requester must submit any information he or she wishes the commissioners to consider (ex: maps or diagrams showing requester's location relative to the applicant's proposed activities) by this deadline; and
- 3) the commissioners read the requests, the responses to requests, and the replies, before the public meeting. Then, during the public meeting, the commissioners vote to grant or deny the requests.

#### **Requests for Reconsideration**

A request for reconsideration must expressly state that the person is requesting that the commission reconsider the executive director's decision and state the reasons why the commission should reconsider the executive director's decision. The commission will consider a request for reconsideration at a scheduled public meeting and grant or deny the request.

#### **Requests for Contested Case Hearing**

A contested case hearing is an evidentiary proceeding, similar to a hearing in civil court. The law allows for holding a contested case hearing on certain types of applications.

A valid request for a contested case hearing must:

- 1) demonstrate that the requester is an "affected person" with a "personal justiciable interest" related to a legal right, duty, privilege, power or economic interest which would be affected by the application in a manner not common to the general public;
- 2) if the request is made by a group or association, identify one or more members who have standing to request a hearing, and the interests the group or association seeks to

- protect;
- 3) expressly request a contested case hearing;
- 4) raise disputed issues of fact that are relevant and material to the commission's decision on the application which were raised during the comment period and not withdrawn prior to the filing of the Executive Director's Response to Comment; and
- 5) include any other information as specified in public notices.

The commission is authorized to protect human health and safety, and natural resources. The commission cannot address other matters outside the commission's authority, such as the effect of the existence of a proposed facility on nearby property values.

When the commissioners deny hearing requests, they often proceed to vote on approval or denial of the application. Alternatively, they may remand the application to the executive director for final action. If a hearing request is granted and the application is referred to the State Office of Administrative Hearings (SOAH), the commissioners will specify a list of issues which will be the subject of the hearing and an expected date for the SOAH judge's proposal for decision. The SOAH judge will conduct the hearing and submit a proposal to the commission to approve or deny the application.

The Alternative Dispute Resolution Office may contact requesters to determine their interest in informal discussions with the permit applicant and a mediator.

By necessity this document gives a very general description of commission procedures. If you have any questions, please call OPA toll-free at 1-800-687-4040.

**MAILING LIST**  
**JULIE ANN THAMES**  
**DOCKET NO. 2008-0785-MWD; PERMIT NO. WQ0014753001**

FOR THE APPLICANT:

Charles P. Gillespie, Jr. P.E.  
Consulting Environmental Engineers, Inc.  
150 N. Harbin St. Ste. 408  
Stephenville, Texas 76401  
Tel: (254) 968-8130

Julie Thames  
Primrose Mobile Home Park  
10401 FM 1902  
Crowley, Texas 76036-5611

FOR THE EXECUTIVE DIRECTOR:

Kerri Qualtrough, Staff Attorney  
Texas Commission on Environmental Quality  
Environmental Law Division, MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-0600  
Fax: (512) 239-0606

Firoj Vahora, Technical Staff  
Texas Commission on Environmental Quality  
Water Quality Division, MC-148  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4540  
Fax: (512) 239-4430

FOR PUBLIC INTEREST COUNSEL:

Mr. Blas J. Coy, Jr., Attorney  
Texas Commission on Environmental Quality  
Public Interest Counsel, MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-6363  
Fax: (512) 239-6377

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Bridget Bohac, Director  
Texas Commission on Environmental Quality  
Office of Public Assistance, MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4000  
Fax: (512) 239-4007

FOR ALTERNATIVE DISPUTE  
RESOLUTION:

Mr. Kyle Lucas  
Texas Commission on Environmental Quality  
Alternative Dispute Resolution, MC-222  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-4010  
Fax: (512) 239-4015

FOR THE CHIEF CLERK:

Ms. LaDonna Castañuela  
Texas Commission on Environmental Quality  
Office of Chief Clerk, MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-3300  
Fax: (512) 239-3311

**REQUESTER(S)**

DUVAL ANGLIN  
10628 COUNTY ROAD 1015  
CROWLEY TX 76036-5412

CHERYL ANANDA  
911 STERLING LN  
CROWLEY TX 76036-4626

ANNE & JOHN BULLER  
1212 SHARONDALE DR  
CROWLEY TX 76036-4530

DARREL ANDREWS  
TARRANT REGIONAL WATER DIS  
PO BOX 4508  
FORT WORTH TX 76164-0508

MRS BOB CANTRELL, JR  
PO BOX 277  
CRESSON TX 76035-0277

CARLA ANGLIN  
10628 COUNTY ROAD 1015  
CROWLEY TX 76036-5412

LEE F CHRISTIE  
306 W 7TH ST  
FORT WORTH TX 76102-4900

MARIBETH ASHLEY  
2344 MEDFORD CT E  
FORT WORTH TX 76109-1131

JOHN CLEMENTS  
10800 COUNTY ROAD 1015  
CROWLEY TX 76036-5442

CINDY AYERS  
1737 TIMBERCREEK RD  
BENBROOK TX 76126-3915

HAL RAY  
306 W 7TH ST STE 901  
FORT WORTH TX 76102-4900

JOHN K BAKER  
5217 STARRY CT  
FORT WORTH TX 76123-1927

DALE & MARY RECTOR  
3125 FM 1187  
CROWLEY TX 73036-4591

ROMEASHA BAKER  
2227 NEWBURY DR  
ARLINGTON TX 76014-3614

**PUBLIC OFFICIALS - INTERESTED PERSON(S)**

THE HONORABLE LON BURNAM  
TEXAS HOUSE OF REPRESENTATIVES - DIST 90  
PO BOX 2910  
AUSTIN TX 78768-2910

DAVID & JAN BELL  
10600 COUNTY ROAD 1015  
CROWLEY TX 76036-5412

**INTERESTED PERSON(S)**

LOUELLA ABBASI  
7608 PARKWOOD LN  
FORT WORTH TX 76133-7519

JOSHUA BENNETT  
200 STONECREEK DR  
ARLINGTON TX 76014-1039

CHELSEA ADESULU  
7504 TIN CUP DR  
ARLINGTON TX 76001-5924

MIKALA BENNETT  
200 STONECREEK DR  
ARLINGTON TX 76014-1039

NICHOLAS AILEY  
2305 ALDERGATE DR  
ARLINGTON TX 76012-3683

FLOYD & WANDA BLAKELEY  
1007 BARRY LN  
CLEBURNE TX 76031-7760

EVAN R BLEKKENK  
129 DONNA ST  
ALVARADO TX 76009-8439

CONCERNED CITIZEN  
1001 WHITE DOVE DR  
ARLINGTON TX 76017-6571

ALTHEA JEAN & ROBERT C BLOOM  
1309 DOWNWOOD DR  
BURLESON TX 76028-2558

CONCERNED CITIZEN  
4036 FOX TROT DR  
FORT WORTH TX 76123-2500

BONITA BOWMAN  
PO BOX 14477  
ARLINGTON TX 76094-1477

CONCERNED CITIZEN  
1505 LYNDON B JOHNSON FWY  
DALLAS TX 75234-6069

BONNIE BOWMAN  
PO BOX 14477  
ARLINGTON TX 76094-1477

CONCERNED CITIZEN  
2011 MONACT CT  
ARLINGTON TX 76010

SANDRA BROWN  
857 HENSON DR  
HURST TX 76053-6445

CONCERNED CITIZEN  
4408 OLDFIELD DR  
ARLINGTON TX 76016-6227

ROLAND BRUCKS  
1030 BROWN ST  
BURLESON TX 76028-5758

DOROTHY J CONDON  
5455 WAITS AVE  
FORT WORTH TX 76133-2315

TONY L BURGESS  
PO BOX 298830  
FORT WORTH TX 76129-0001

DIAMOND DARSEY  
2202 CHASE CT  
ARLINGTON TX 76013-5805

ANDRA R & JOHN L CANTRELL  
PO BOX 104  
CRESSON TX 76035-0104

STEPHEN C DICKMAN  
ATTORNEY, KELLY HART & HALLMAN LLP  
301 CONGRESS AVE STE 2000  
AUSTIN TX 78701-2961

BOB & PATSY CANTRELL  
PO BOX 277  
CRESSON TX 76035-0277

ALEXIS DUNN  
1004 SYCAMORE DR APT 1705  
FORT WORTH TX 76120-3222

MARY E CATO  
1807 PECAN PARK DR  
ARLINGTON TX 76012-3033

EMMET EARL  
5609 RICKENBACKER PL  
FORT WORTH TX 76112-7641

CONCERNED CITIZEN  
PO BOX 1206  
FORT WORTH TX 76101-1206

LAUREN EARL  
9005 HUNTERS GLEN TRL  
FORT WORTH TX 76120-2815

LU VERIL EMBREY  
700 OWENS DR  
CROWLEY TX 76036-3608

T J  
7383 BECKWOOD DR  
FORT WORTH TX 76112-5927

BOBBY D FAUCETT  
7001 LAKE SIDE DR  
FORT WORTH TX 76132-3542

LEON A JANUSZ  
209 N TEXAS ST APT 1  
CROWLEY TX 76036-2542

ALMA FERNANDEZ  
801 W CANNON ST  
FORT WORTH TX 76104-3147

REBECCA JEFFRIES  
2625 RAMBLEWOOD DR  
CARROLLTON TX 75006-2113

DURWAIN FORD  
5815 LINCOLN MEADOWS PL NO 508  
FORT WORTH TX 76112

JAMES L & JAN L JOHNSON  
4212 LAKE BREEZE DR  
BENBROOK TX 76132-2760

JASMINE MONET FORD  
508 N EAST ST  
ARLINGTON TX 76011-7936

CHRISTIAN JONES  
1300 JUNAN AVE  
ARLINGTON TX 76014

CHRISHAUN FOWLER  
8640 VANDERBILT DR APT 2606  
FORT WORTH TX 76120-4949

JARRIEL JONES  
2400 PECAN GROVE CT  
IRVING TX 75060-6559

WOODY FROSSARD  
800 E NORTHSIDE DR  
FORT WORTH TX 76102-1016

OMAR KEARNS  
1217 LAURIE AVE  
DESOTO TX 75115-3115

JUANITA GONZALEZ  
100 E WEATHERFORD ST  
FORT WORTH TX 76196-0001

JULIUS LONGSHAW  
GREAT PLAINS RESTORATION COUNCIL  
2812 CHENAULT ST  
FORT WORTH TX 76111-2211

TIMOTHY GRIFFIN  
2817 E 4TH ST  
FORT WORTH TX 76111-2203

W CADE LOVELACE  
AIKEN AND RIBITZKI  
104 S MAIN ST  
BURLESON TX 76028-4228

LOIS HORN  
328 SWISS CT  
CROWLEY TX 76036-2784

KATHRYN MACHESNEY  
1086 ROCK RIDGE DR  
BURLESON TX 76028-2500

JEFF HOWARD  
PO BOX 19588  
ARLINGTON TX 76019-0001

LANDON MADDOX  
1505 GOLIAD DR  
ARLINGTON TX 76012-1736



CARTER MAHANAY  
101 NW NEWTON DR  
BURLESON TX 76028-4773

DALE RECTOR  
3125 HWY 1187  
CROWLEY TX 76036

JARID MANOS  
CEO, GREAT PLAINS RESTORATION COUNCIL  
PO BOX 1206  
FORT WORTH TX 76101-1206

RACHEL ROBERTS  
1452 MEADOWOOD VILLAGE DR  
FORT WORTH TX 76120-4701

ANN B MAYO  
412 S COOPER ST APT 59  
ARLINGTON TX 76013-7328

BRIAN ROWE  
3401 AMHERST CIR APT 118  
BEDFORD TX 76021-2375

CHASSITY MCLEON  
1529 BARRON LN  
FORT WORTH TX 76112-3450

MARY P RUNYAN  
8025 MORNING LN  
FORT WORTH TX 76123-1924

MONICA NELSON  
BOOTH, AHRENS & WERKENTHIN PC  
515 CONGRESS AVE STE 1515  
AUSTIN TX 78701-3504

CARL D SCHRADER, JR  
2025 COUNTY ROAD 415  
CLEBURNE TX 76031-9013

NIYAM NETTLES  
2818 HAWCO DR  
GRAND PRAIRIE TX 75052

PATRICIA SERRANO  
3604 HUDGINS RANCH RD  
ROANOKE TX 76262-3802

D'ANDRE AALON NUTTER  
3750 PARADISE HILLS DR APT 28201  
EULESS TX 76040-2410

CHELSEA SESSION  
612 LILLARD RD UNIT C  
ARLINGTON TX 76012-4995

GREGORY PAIGE  
2509 ESCALANTE AVE  
FORT WORTH TX 76112-6132

AL SHEALEY  
5600 S COOPER ST APT 109  
ARLINGTON TX 76017-4477

KELSEY PERKINS  
2500 RATTIKIN RD  
FORT WORTH TX 76105-5225

JENNIFER SHEALEY  
5600 S COOPER ST APT 109  
ARLINGTON TX 76017-4477

KORENA PERKINS  
2500 RATTIKIN RD  
FORT WORTH TX 76105-5225

TONY SMITH  
1104 BESSIE ST  
FORT WORTH TX 76104-1535

JOYCE PURVIANCE  
6458 WINSCOTT PLOVER RD  
FORT WORTH TX 76126-9422

TANISHA SWAIN  
18211 KELLY BLVD APT 433  
DALLAS TX 75287-4669

TRISHA TAYLOR  
3516 BROOKHURST LN  
ARLINGTON TX 76014-3518

ANTHONY TIMMONS  
621 FULLER ST  
ARLINGTON TX 76011-7029

JUDY WALTHER  
4602 PLACID PL  
AUSTIN TX 78731-5515

FRED B WERKENTHIN, JR  
BOOTH AHRENS & WERKENTHIN PC  
515 CONGRESS AVE STE 1515  
AUSTIN TX 78701-3504

CLEVE C WEYENBERG  
CEO, TEX TECH ENVIRONMENTAL INC  
1125 S BURLESON BLVD  
BURLESON TX 76028-4900

LORENZO WILBORN, JR  
209 HOLLANDALE CIR APT B, BLDG 209  
ARLINGTON TX 76010-2386

VALDA WILLIAMS  
2624 DIVER CT  
FORT WORTH TX 76119-1604

TAMEKA WINSTON  
1816 WIMBLEDON OAKS LN NO 403  
ARLINGTON TX 76017-7933